

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

)	
)	
Coulton Chemical Corporation, Inc.)	NOTICE OF VIOLATION
Coulton Chemical Company, L.P.)	
Oregon, Ohio)	EPA-5-99-OH-37
)	
Proceedings Pursuant to)	
Section 113(a)(1) of the)	
Clean Air Act,)	
42 U.S.C. § 7413(a)(1))	
_____)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act. U.S. EPA hereby notifies the State of Ohio, and Coulton Chemical Corporation, Inc., and Coulton Chemical Company, L.P., (collectively and individually - as appropriate - referred to as "Coulton") that U.S. EPA finds that Coulton, formerly located at 1400 Otter Creek Road, Oregon, Ohio, violated the Ohio State Implementation Plan (SIP), as follows:

Statutory And Regulatory Background

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emission limitations, control measures, and schedules for compliance.
2. On August 26, 1981, the U.S. EPA approved a State Implementation Plan (SIP) revision affecting Coulton or any subsequent owner of the sulfuric acid production facility located at 1400 Otter Creek Road, Oregon, Ohio. 46 F.R. 43046. The U.S. EPA codified the approval at 40 C.F.R. § 52.1881(b)(39)(vi). The regulation sets an emission limit of 6.50 pounds of sulfur dioxide per ton of 100 percent sulfuric acid produced from sulfuric acid production units (lbs/ton). On June 29, 1995, the U.S. EPA recodified the limit at 40 C.F.R. § 52.1881(b)(21)(vi). 60 FR 33924. The

Ohio SIP for sulfur dioxide does not include any exemption for emissions that exceed an emission limit or standard due to startup, shut down, or malfunction.

Factual Background

3. Coulton was the previous owner and operator of the sulfuric acid production facility located at 1400 Otter Creek Road, Oregon, Lucas County, Ohio. In October 1996, Coulton sold the facility to Marsulex, Inc. (Marsulex).
4. On August 14, 1992, the Ohio EPA issued to Coulton a Permit to Operate (PTO) for each of two sulfuric acid plants (Ohio EPA source numbers 0448020014 P001 and 0448020014 P002, hereafter Plant A and Plant B, respectively). Both PTOs require: "The facility shall operate and maintain a continuous monitoring system (CMS) to monitor and record the sulfur dioxide emissions from the sulfuric acid plants. The continuous bubbler system is required to comply with the requirements specified in 40 CFR 51, Appendix P."
5. On January 6, 1999, Marsulex submitted data from the CMS for January 1994 through September 1998. The U.S. EPA analyzed the CMS data for December 1995 through October 1996. A summary of that analysis is set forth in Table 1.

Violations

6. Based upon the U.S. EPA's analysis of the CMS data, the U.S. EPA finds that, at Plant A, Coulton violated the sulfur dioxide emission limit in 40 C.F.R. § 52.1881(b)(21)(vi) on 34 days at a weighted average of 25.86 lbs/ton. Coulton exceeded the emission limit during 3.1 percent of its operating time. Further, the U.S. EPA finds that, at Plant B, Coulton violated the sulfur dioxide emission limit in 40 C.F.R. § 60.82(a) on 44 days at a weighted average of 31.39 lbs/ton. Coulton exceeded the emission limit during 4.9 percent of its operating time.

Notice of Violation

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, hereby notifies you and the State of Ohio that Coulton violated of the Ohio State Implementation Plan as set forth in this Notice of Violation.

Date

8/18/99

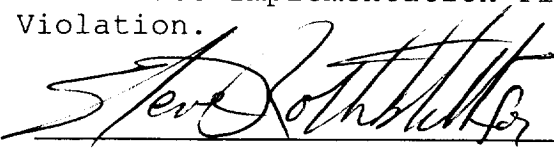

Margaret M. Guerriero, Acting Director
Air and Radiation Division

Table 1. SIP Violations at Coulton Chemical Company, Oregon, OH, December 1995 through September 1996

Month	Plant A				Plant B			
	Avg of 3-hr Avg E.R. > 6.50 lb/ton	Number of 3-hr Avg E.R. > 6.50 lbs/ton	Total Number of 3-hr Avg	Number of days of Violation	Avg of 3-hr Avg E.R. > 6.50 lb/ton	Number of 3-hr Avg E.R. > 6.50 lbs/ton	Total Number of 3-hr Avg	Number of days of Violation
December 95	-	0	252	0	27.97	14	233	6
January	32.72	11	240	8	33.31	32	204	12
February	51.21	8	229	4	33.74	5	194	3
March	28.74	20	234	5	35.01	10	224	3
April	15.07	4	231	2	38.36	9	228	2
May	33.02	4	239	2	16.78	8	239	4
June	27.53	5	234	3	29.27	14	233	6
July	37.12	10	224	5	49.41	4	232	1
August	19.43	2	245	1	27.35	5	246	3
September	16.72	11	238	4	28.05	9	210	4
TOTAL	25.86 ¹	75	2366	34	31.39 ²	110	2243	44

¹ Weighted average = (average of emission rates greater than 6.50 lbs/ton in each month * number of emission rates greater than 6.50 lbs/ton in each month) / total number of emission rates greater than 6.50 lbs/ton

² Weighted average

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent three Notices of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

Stephen Hobbs, Esq.
Donald F. Luke, Esq.
Attorneys for Coulton Chemical Company, L.P.,
and Coulton Chemical Corporation, Inc.
Rogers & Wells, LLP
200 Park Avenue
New York, New York 10166-0153

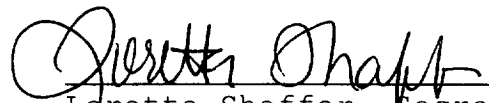
I also certify that I sent copies of the Notices of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Donald Waltermeyer, Air Pollution Control Supervisor
Northwest District Office
Ohio Environmental Protection Agency

William Garber, Acting Manager
Toledo Environmental Services Division

on the 19th day of August, 1999.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P140 777338